

BEFORE THE STATE BOARD OF EQUALIZATION
ASSESSMENT APPEALS COMMISSION

Appeal of:

JOHN R. AND MARY E. WILKERSON)	
Dist. A1, Block 51, Parcel 86)	Shelby
Dist. L1, Block 51, Parcel 87)	County
Farm/Residential Property)	
Tax Year 2005-2006)	

FINAL DECISION AND ORDER

Statement of the case

This is an appeal by the taxpayer from the initial decision and order of the administrative judge who recommended the subject property be assessed as follows:

Parcel	Land value	Improvement value	Total value	Assessment
86	\$5,700	\$ -0-	\$5,700	\$1,425
87	\$38,900	\$59,300	\$98,200	\$24,550

The appeal was heard in Memphis on April 25, 2007 before Commission members Brooks (presiding), Wade and Jones.¹ Mr. Wilkerson represented himself, and staff appraiser Jonathan Jackson appeared on behalf of the assessor with staff attorney John Zelinka.

Findings of fact and conclusions of law

The subject property is comprised of adjoining lots totaling 67.5 acres, a home sitting on the larger lot (55 acres, Parcel 87). Mr. Wilkerson contended the property was overvalued because much of the land and indeed the house, is located in a floodway. He also testified the value was adversely affected by power easements.

Mr. Jackson presented comparable sales in support of the current value, but conceded none of the comparable sale properties was located in a floodway. He testified that open flood land was generally appraised by the assessor at \$500 per acre and floodplain land valued at \$800 per acre.

The Commission finds the subject property is affected by flooding to a greater extent than accounted for in the assessor's valuation. Using the \$500 per acre indicated for open flood land would reduce the land value for Parcel 87 to \$27,500. The balance of the property is correctly valued as is.

¹ Mr. Wade and Mr. Jones sat as designated alternates for absent members, pursuant to Tenn. Code Ann. §4-5-302.

Mr. Wilkerson requested at the hearing that his appeal be amended to include tax year 2006 since the time to appeal to the county board of equalization had run during the pendency of the appeal to the State Board of Equalization. The assessor neither opposed nor supported the request. The Commission finds it is its usual practice to grant such requests, and the appeal will include 2006 unless the assessor subsequently demonstrates good cause to reconsider our action upon a timely petition.

ORDER

It is therefore ORDERED, that the initial decision and order of the administrative judge is modified and the value is determined as follows:

Parcel	Land value	Improvement value	Total value	Assessment
86	\$5,700	\$ -0-	\$5,700	\$1,425
87	\$27,500	\$59,300	\$86,800	\$21,700

This order is subject to:

1. Reconsideration by the Commission, in the Commission's discretion.

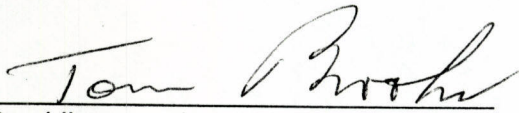
Reconsideration must be requested in writing, stating specific grounds for relief and the request must be filed with the Executive Secretary of the State Board within fifteen (15) days from the date of this order.

2. Review by the State Board of Equalization, in the Board's discretion. This review must be requested in writing, state specific grounds for relief, and be filed with the Executive Secretary of the State Board within thirty (30) days from the date of this order.

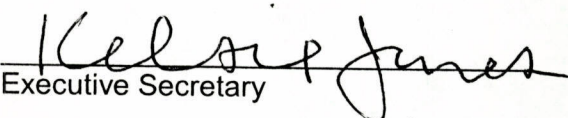
3. Review by the Chancery Court of Shelby County. A petition must be filed within sixty (60) days from the date of the official assessment certificate which will be issued when this matter has become final.

Requests for stay of effectiveness will not be accepted.

DATED: 9-5-07


Presiding member

ATTEST:


Executive Secretary

cc: Mr. John Wilkerson
Ms. Tameaka Stanton Riley, Assessor's office
Mr. John Zelinka, Esq.